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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/074,850  | 02/13/2002  | Jerry Douglas Young  | 8419M               | 6339             |
| 27752   | 7590        | 02/23/2005           | EXAMINER            |                  |
| THE PROCTER & GAMBLE COMPANY<br>INTELLECTUAL PROPERTY DIVISION<br>WINTON HILL TECHNICAL CENTER - BOX 161<br>6110 CENTER HILL AVENUE<br>CINCINNATI, OH 45224 |             |                      | WEIER, ANTHONY J    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1761                |                  |
| DATE MAILED: 02/23/2005   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.



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|                                 |             |   |                     |
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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

EXAMINER

ART UNIT      PAPER

21705

DATE MAILED:

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Commissioner for Patents

CANCELED ELECTED CLAIMS, NON-RESPONSIVE

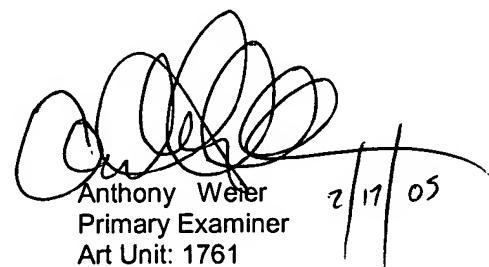
The amendment filed on 11/26/04 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because claims 22-34 are drawn to a method of preparing a beverage composition. The method is a distinct invention from the elected product in that the product may be made by a different process of, for example, simply presenting a fresh, non-aged coffee that relates to a targeted non-aged coffee. In addition, claim 35, though a product claim, is a different embodiment of the invention as originally presented. More specifically, claim 35 is related to a coffee beverage that has an enhanced stability and which contains a coffee source that mimics an aged coffee source, a different embodiment from the coffee product previously claimed and elected which relates to a coffee beverage comprising a coffee source with a coffee source modifier and supplemental coffee source component wherein the coffee portion has a manipulated pH range of a targeted coffee profile.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Weier whose telephone number is 571-272-1409. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached at 571-272-1398. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3602 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1700.

Anthony Weier  
February 17, 2005

  
Anthony Weier  
Primary Examiner  
Art Unit: 1761  
2/17/05